



Planning Department

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MEMORANDUM

To: Planning Board **Date:** November 23, 2011

From: Roland Bartl, AICP, Planning Director

Subject: **Proposed amendments pertaining to the filing requirement set forth in the Subdivision Rules & Regulations and all Special Permit Regulations**

As part of the Town's effort to institute an overall permit tracking system, we are looking to move all applications and filings with this office to electronic format. The following are our proposed changes to the Subdivision and Special Permit Regulations. There will still be some paper.

Under the statute, Subdivision Rules amendments require a public hearing. The hearing has been advertised and posted as required. Amendments to Special Permit Rules do not require a public hearing, but I believe that they should be formally adopted by the Planning Board at regular public meeting. Both are scheduled for December 6, 2011.

A: Subdivision Rules and Regulations Changes

In Section 3 (ANR Filing):

- 3.1.2. Submit to the BOARD a plan prepared by a registered land surveyor, clearly and legibly drawn:
- (a) In compatible black drawing ink on polyester drafting film, or similar medium acceptable to the Registry of Deeds or Land Court, with two prints thereof, and
 - (b) On disc or via another commonly used electronic media storage or transmission device in PDF and scalable CADD formats, and registered to the Massachusetts State Plane Coordinate System, and
 - (c) accompanied by the necessary evidence to show that the plan does not require approval.

In Section 4 (Preliminary Plan Filing):

- 4.2.2.1 The completed Application for Approval of Preliminary Plan (see Appendix - Form PP) in electronic PDF format plus Twenty-four (24) 2 paper copies of a properly executed Application for Approval of Preliminary Plan (see Appendix - Form PP).
- 4.2.2.2 The completed Development Impact Report (see Appendix - Form D.I.R.) in electronic PDF format plus Twenty-four (24) 2 paper copies of the Development Impact Report (see Appendix - Form D.I.R.).

4.2.2.3 The Preliminary Plan with the form and contents as set forth below in electronic PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System, plus Twelve (12) contact-prints (24" x 36" sheets) and of the preliminary plan in the form set forth below, plus twelve (12) 11 copies of the preliminary plan reduced to fit legibly on 11"x17" or 8.5"x11" sheets.

4.2.2.5 File, by delivery or by registered mail to the BOARD in care of the Acton Planning Department. The delivery date or, if so-mailed, the date of receipt shall be the date of submission of the plan. Electronic documents may also be sent by e-mail or via web link.

Insert a new section 4.2.2.3 as follows and renumber the subsequent section to become sections 4.2.2.4 through 4.2.2.6:

4.2.2.3 A complete PARTIES IN INTEREST List certified by the Board of Assessors or its authorized representative in electronic PDF, and Excel or Word table formats, plus 2 paper copies.

In Section 5 (Definitive Plan Filing):

5.2.1 The completed Application for Approval of Definitive Plan (see Appendix - Form DP) in electronic PDF format Twenty-four (24) plus 2 paper copies of an Application for Approval of Definitive Plan (see Appendix - Form DP).

5.2.2 The completed Development Impact Report (see Appendix - Form D.I.R.) in electronic PDF format plus Twenty-four (24) 2 paper copies of the Development Impact Report (see Appendix - Form D.I.R.).

5.2.4 The definitive plan prepared by a registered engineer and land surveyor with the form and contents as set forth below in electronic PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System, Twelve (12) plus 2 contact-prints (24" x 36" sheets) of the definitive plan prepared by a registered engineer and land surveyor and drawn clearly and legibly in dark lines on white background in the form and with the contents as stated below, and twelve (12) reduced 11 copies thereof reduced to fit legibly on 11"x17" or 8.5"x11" sheets, and twelve (12) copies of the outline of the SUBDIVISION LOTS superimposed on a recent aerial photograph of the site and surrounding area on 11"x17" or 8.5"x11" sheets.

5.2.5 A completed Designer's Certificate (see Appendix - Form DC) in electronic PDF format plus 2 paper copies.

5.2.6 A complete PARTIES IN INTEREST List certified by the Board of Assessors or its authorized representative in electronic PDF, and Excel or Word table formats, plus 2 paper copies.

5.2.7 If the STREET is proposed to become a public WAY, a signed statement from the developer (in electronic PDF format plus 2 paper copies) that he will retain the fee in the STREETS shown on the plan and upon construction of the STREETS and installation of services will, at the request of the Town of Acton, grant to the Town the fee (or an EASEMENT for all purposes for which STREETS are used) in such STREETS; and will, at the request of the Town

of Acton, grant to it any drainage or other EASEMENTS shown on the plan. In order to retain the fee in the STREET, the developer must clearly define LOT lines when selling individual LOTS, to make clear that the LOT stops at the STREET layout. Otherwise, the owners of individual LOT will, by convention, own the STREET to the centerline. If this occurs, the STREET cannot be accepted by the Town, since any conveyances of the STREET from the developer to the Town are meaningless.

- 5.2.8 ~~A written list of requested waivers, if any, with reasons clearly stated in electronic PDF format plus 2 paper~~~~Twenty-four (24) copies of a written list of any requested waivers with reasons why those waivers would permit a superior design, that would be in the public interest and not inconsistent with the purpose and intent of the SUBDIVISION CONTROL LAW.~~
- 5.2.9 A letter authorizing Town representatives to enter on the SUBDIVISION to complete the STREETS and services if the developer does not complete them according to his obligations (in electronic PDF format plus 2 paper copies).
- 5.2.10 ~~An letter documenting~~ authorizing vote (in electronic PDF format plus 2 paper copies) if the developer is acting in the name of a trust, corporation or company.
- 5.2.11 The record deed(s) and plan (s) for the Subdivision land in electronic PDF format plus 2 paper copies~~A copy of the deed.~~
- 5.2.12 A list of mortgage holders (in electronic PDF format plus 2 paper copies) which shall be kept current during the period of SUBDIVISION development.
- 5.2.13 A draft RESTRICTIVE COVENANT (in electronic PDF format plus 2 paper copies) only if changes are proposed from the standard form shown in Appendix - Form RC, with reasons for the changes clearly explained.
- 5.3.20 Storm drainage runoff calculations (in electronic PDF format, no paper copies) used for storm water drainage system design shall be prepared by and display the seal of a registered professional engineer. These calculations should be based on the rational formula (as described in Seelye's Design Data Book for Civil Engineers, Page 18-02, Revised 3rd edition), based on a 10 year expectancy period, to determine necessary pipe sizes which can be no less than 12" in diameter. The calculations must contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity to the site in question. Furthermore, the calculations should be fully documented including copies of charts or other reference sources to make review easier. The use of computer generated reports is acceptable; however, the source of the software should be identified. These calculations shall be used to determine all drain-age structure and pipe sizes.

In Section 7 (Plan Endorsement)

7.1 ENDORSEMENT of APPROVED PLAN

The approved definitive SUBDIVISION plan is intended to be used as a contract document for the construction and inspection of the STREETS and utilities within the SUBDIVISION in conformity with these RULES. The approved plan shall also contain the "Record Plan" for

purposes of filing with the Registry of Deeds or the Land Court. The following information and form is required for submission of the "Record Plan" for endorsement by the BOARD:

7.1.1 The entire approved definitive plan of the SUBDIVISION as amended by the BOARD in its decision of approval.

7.1.2 Reference to any required documents such as the vote and decision of the BOARD, RESTRICTIVE COVENANT, EASEMENTS deeded to the Town, conditions of the Board of Health or reference of Board of Health failure to report, etc. shall be inscribed on the "Record Plan" with a note that such documents shall be recorded with the "Record Plan".

7.1.23 ~~Two~~ One copies of the plan shall be submitted drawn in compatible black drawing ink on polyester drafting film or other medium acceptable to the Registry of Deeds or Land Court, and the same in two contact prints thereof a scalable CADD format, registered to the Massachusetts State Plane Coordinate System.

7.1.4 Following the endorsement of the Plan, the developer shall submit the entire endorsed plan, showing the endorsement signature, in PDF format plus 2 paper copies.

~~7.1.3 Reference to any required documents such as the vote and decision of the BOARD, RESTRICTIVE COVENANT, EASEMENTS deeded to the Town, conditions of the Board of Health or reference of Board of Health failure to report, etc. shall be inscribed on the "Record Plan" with a note that such documents shall be recorded with the "Record Plan".~~

Section 11.7 (Street Acceptance)

11.7.1 The BOARD shall require submission of the following information at least one hundred and eighty (180) days prior to Annual Town Meeting before making a recommendation to the Board of Selectmen. Except as otherwise notes all submissions shall be made in electronic PDF format:

11.7.1.1 Two copies ~~plus the original mylar~~ of the as-built plan of the ROAD or STREET at a scale of 40 feet to the inch at size 24" x 36", plus a copy ~~of the as-built plan~~ on disc or via another commonly used electronic media storage or transmission device in PDF and a scalable CADD formats and registered to the Massachusetts State Plane Coordinate System. Said plan shall include a centerline profile (4 feet per inch on the vertical scale and 40 feet per inch on the horizontal scale) taken at 50 foot intervals along the STREET (25 foot intervals at vertical curves) as it has been completed, and shall show:

11.7.1.2 ~~The plan shall be accompanied by a~~ A signed letter from the registered engineer certifying that all work, as required by the RULES and the approved SUBDIVISION plan, has been completed.

11.7.1.3 A signed certificate by a registered land surveyor indicating that all permanent monuments are in place and are accurately located, including evidence that the bound traverse had a ratio "error of closure" of 1:15,000 or better. Use Form CB - Certification of Bounds (see Appendix).

- 11.7.1.4 ~~Two typewritten copies of a~~The legal description in electronic WORD format by metes and bounds of each ROAD and EASEMENT considered for acceptance by the Town, ~~and a copy of said document on an electronic medium and in a format as directed by the Town Planner.~~
- 11.7.1.5 ~~Two copies of the~~ proposed deed in electronic WORD format conveying the fee in the STREET plus the associated EASEMENTS to the Town, and legal evidence that the fee in the STREET has not been inadvertently conveyed to abutting LOT owners.

B: Special Permit Rules and Regulations Changes

The changes shown below are made in the PCRC Rules and are representative for equivalent changes in all the Special Permit Board's Rules.

Section 2 (Preliminary Review)

2.2 Form of Request

~~At least 4 copies of a~~All materials to be reviewed shall be provided in electronic PDF format plus 2 paper copies to the Planning Department ~~along with~~including a letter requesting a review ~~and including with~~ the name, address, and phone number of a person who may be contacted concerning the review. All correspondence and communication must be sent through the Planning Department or a copy of said communication must be provided to the Planning Department.

Section 3 (Contents of an Application)

3.1 (...)

A complete APPLICATION for a PERMIT shall be made in electronic PDF format together with 2 paper copies except as otherwise noted, and shall include ~~the following items~~the information listed in sections 3.1 through 3.15.

- 3.1.2 ~~Twenty-four (24) copies of the~~The completed APPLICATION form, the plan with the form and contents as set forth below in electronic PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System, plus ~~twelve (12) full size plans sheets (on 24" x 36" sheets) and twelve (12) copies thereof reduced to fit legibly on 11"x17" or 8.5"x11" sheet~~reduced size (11" x 17") copies of the plan sheets shall be required at the time of submission of an APPLICATION. Each copy of the APPLICATION shall be folded so that it will fit neatly into a letter sized file folder.